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Attorneys for Defendants
Crenshaw W. Robinson III and Ohio Eastern Express, Inc.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHRISTOPHER H. CASTILLO

Plaintiff,

v.

CRENSHAW ROBINSON III; OHIO
EASTERN EXPRESS; JOHN DOE (1-10);
said name being fictitious and unknown;
ROBERT ROB (1-10) and/or ABC INC. (1-
10) said names being fictitious and unknown;
DONALD DOE and/or XYZ INC. (1-10) said
names being fictitious and unknown; TONY
TOE (1-10); said name being fictitious and
unknown; MANNY MOE (1-10) and/or DEF
INC. (1-10) said names being fictitious and
unknown; and LARRY LOE (1-10) and/or
MNO INC. (1-10) said names being fictitious
and unknown.

Defendants.

Docket No.: 2:18-cv-12644

NOTICE OF REMOVAL
(Diversity)

TO: William T. Walsh, Clerk of Court
United States District Court for the District of New Jersey

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332, 1367, 1441, and 1446,
and with a full reservation of any and all rights, claims, objections and defenses, Defendants
Crenshaw Robinson III and Ohio Eastern Express (“Defendants”), by and through their attorneys,

Bressler, Amery & Ross, P.C., hereby remove this action from the Superior Court of New Jersey, Law Division, Passaic County (“Superior Court”) to the United States District Court for the District of New Jersey. As their reasons for removal, Defendants respectfully state as follows:

THE REMOVED CASE

1. On June 29, 2018, Plaintiff, Christopher H. Castillo, commenced a civil action in the Superior Court entitled *Christopher H. Castillo v. Crenshaw Robinson III et al.*, Docket No. PAS-L-002173-18 (“State Court Action”). As required by 28 U.S.C. § 1446(a), true and complete copies of all process, pleadings, orders, and other papers or exhibits filed in the State Court Action, as of the date of this Notice of Removal, are attached hereto as Exhibit A.

2. Defendant Crenshaw Robinson III and Defendant Ohio Eastern Express were served with, and first received notice of, Plaintiff’s Complaint on July 20, 2018 and July 24, 2018, respectively. Because this Notice of Removal is being filed on August 10, 2018—within thirty days’ of the Defendants’ first receipt of the State Court Action—this Notice of Removal is timely filed. *See* 28 U.S.C. § 1446(b)(1).

**THE BASIS FOR JURISDICTION OVER THE STATE COURT ACTION:
DIVERSITY OF CITIZENSHIP**

3. As set forth below, the State Court Action is removable to this Court pursuant to 28 U.S.C. § 1441 because (1) this Court has original jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1332(a), which provides, in relevant part, that this Court “shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between . . . citizens of different States;” and (2) none “of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought[.]” 28 U.S.C. 1441(b)(2).

4. Plaintiff Christopher H. Castillo is a citizen of the State of New Jersey who resides at 367 Belmont Avenue, Apartment 2FR, Haledon, New Jersey 07508.

5. Defendant Crenshaw Robinson III is a citizen of the State of Ohio who resides at 1164 Piermont Road, South Euclid, Ohio 44121.

6. Defendant Ohio Eastern Express Inc. is a citizen of the State of Ohio and the State of Delaware because (a) it is incorporated under the laws of the State of Delaware; and (b) it maintains its principal place of business in the State of Ohio, with its principal office address at 300 W. Perkins Avenue, Sandusky, Ohio 44870. *See* 18 U.S.C. § 1332(c)(1).

7. Although the Complaint in the State Court Action does not specify the precise amount of damages that the Plaintiff is seeking, the Complaint seeks an award of monetary damages resulting from a tractor trailer accident in which Plaintiff alleges he (a) “sustained and received severe, pain and permanent injuries, with accompanying great pain, mental anguish and shock”; (b) “was and will be confined”; (c) “was and will incur various sums of money for medical aid and other necessary relief and attention”; (d) was rendered “sick, sore, lame and prostrate” underwent “great physical and mental anguish, which he yet suffers and will continue to suffer for an indefinite period of time in the future”; and (e) “was and will be deprived and prevented from attending to his normal business, occupation and vocation, all to his loss, damage and detriment.”

8. In light of the Plaintiff’s claims of substantial injury and damages, Defendants have a good faith and plausible basis to assert that the amount in controversy in the State Court Action exceeds \$75,000, exclusive of interests and courts. *See Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 554 (2014) (“[A] defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold.”).

9. Because, as established above, this matter is a civil action between citizens of different States and the amount in controversy exceeds \$75,000, this Court possesses original jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1332(a).

10. As such, the Defendants may remove the State Court Action to this Court, the federal district court for the district embracing New Jersey—the place where the State Court Action is pending—pursuant to 28 U.S.C. § 1441(a).

11. Pursuant to 28 U.S.C. § 1446(d), the Defendants will provide the Plaintiff with written notice of this Notice of Removal promptly after the filing of this Notice, and a copy of this Notice of Removal will be filed concurrently with the Superior Court.

WHEREFORE, Defendants Crenshaw Robinson III and Ohio Eastern Express hereby remove Docket Number PAS-L-002173-18 from the Superior Court of New Jersey, Law Division, Passaic County to this Court for determination, and respectfully request that this Court enter an Order of Removal.

Respectfully submitted,

BRESSLER, AMERY & ROSS, P.C.

By: s/ MaryJane Dobbs
MaryJane Dobbs, Esq.

Dated: August 10, 2018

LOCAL RULE 11.2 CERTIFICATION

Pursuant to Local Civil Rule 11.2, the undersigned hereby certifies that, at the time of filing the within, the undersigned is not aware that the matter in controversy is the subject of actions pending in any other court, or of any pending arbitration or administrative proceeding, except as disclosed herein.

Respectfully submitted

BRESSLER, AMERY & ROSS, P.C.

By: s/ MaryJane Dobbs
MaryJane Dobbs, Esq.

Dated: August 10, 2018

CERTIFICATE OF SERVICE

On this day, I certify that a copy of the above and foregoing notice was caused to be filed by ECF. I also hereby certify that a true copy of the above and foregoing notice was electronically filed via e-Courts with the Clerk's Office, Superior Court of New Jersey, Passaic County Courthouse.

I also hereby certify that a true copy of the foregoing Notice of Removal was delivered by U.S. Priority Mail to:

Frederic J. Rossi, Esq.
1018 McBride Avenue
Woodland Park, New Jersey 07424
Attorney for Plaintiff Christopher H. Castillo

s/ MaryJane Dobbs
MaryJane Dobbs, Esq.

Dated: August 10, 2018